REMARKS

Claims 1-5 are pending in the present application. In the Office Action of June 26, 2003, claims 1-5 were rejected. In the present response, Applicants amend claim 1 and traverse the rejections as follows.

Rejections under 35 U.S.C. 112

Claims 1-3 were rejected under 35 U.S.C. 112, second paragraph, because the phrase "said second segment size greater than said first segment size" allegedly lacks antecedent basis and because the meaning of that term is not understood by the examiner. Applicants have amended claim 1 to overcome the antecedent basis rejections. It is hoped that the plain meaning of the amended claim is now clear.

Rejections under 35 U.S.C. 102

Claims 1-3 were rejected under 35 U.S.C. 102(a) as being anticipated by DeClerck (US 5,515,375). It was alleged that DeClerck teaches all the limitations of Applicants' claims. Applicants believe that DeClerck does not teach such limitations.

DeClerck teaches a method and apparatus for sending control information along with voice information in a wireless communication system. The control information is inserted within vocoder frames having a vocoding rate less than full rate. If all of the necessary control information has not been sent near the expiration time for sending the control information, a vocoder is forced to generate frames at less than full rate, so that the remaining control information may be inserted before expiration of the time for response (see DeClerck, col. 3, lines 23-36).

It was alleged that the limitations "defining a minimum segment size for information to be transmitted" and "defining a maximum segment size for information to be transmitted" found in Applicants' claim 1 are taught by DeClerck as generating a 1/8 rate frame and a full rate frame, respectively. Applicants do not agree. The term "segment" and the term "vocoder frame" are not synonymous because they refer to data at different points along an analog-to-digital transmission path. Variable rate vocoders generate vocoder frames at regular time intervals (i.e., every 20 milliseconds) at various encoding rates (i.e., 1/8, ¼, ½, or full). "Segments" comprise information found in vocoder frames. One segment may comprise many vocoder frames.

Applicants further assert that the limitations "defining a minimum segment size for information to be transmitted" and "defining a maximum segment size for information to be

transmitted" are not taught by DeClerck because Applicants believe that defining a minimum/maximum segment size is not equivalent to a vocoder that generates vocoder frames at various encoding rates.

It was further alleged that DeClerck teaches the limitation of "generating a first segment from said time-sensitive information if a sufficient quantity of said time-sensitive information is available for transmission, said first segment having a size between said minimum segment size and said maximum segment size". DeClerck does not generate "segments" depending on whether information is available for transmission or not. DeClerck teaches filling vocoder frames with control information if the encoding rate is less than full rate.

Even assuming, arguendo, that vocoder frames are equivalent to "segments", that a vocoder frame encoded at 1/8 rate is equivalent to a "minimum segment size", and that a vocoder frame encoded at full rate is equivalent to a "maximum segment size", DeClerck still does not teach this limitation. The limitation states that a first segment is generated *if* a sufficient quantity of time sensitive information is available for transmission. The vocoder described in DeClerck generates vocoder frames at regular time intervals, not if there is a sufficient quantity of information to be transmitted.

For the reasons above, Applicants respectfully request the rejections relating to claim 1 under 35 U.S.C. 102(a) be withdrawn. Furthermore, Applicant requests that the remaining rejected claims be allowed as being dependent on an allowable claim.

Rejections under 35 U.S.C. 103(a)

Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeClerck. It was alleged that the knowledge of one of ordinary skill in the art in combination with DeClerck would teach all of the limitations of these claims. Applicant respectfully disagrees based on, at least, that DeClerck does not teach means for negotiating a maximum segment size with a receiver. It was alleged that DeClerck teaches this limitation as shown in Figs. 3 or 4, item 120. However, a review of these figures shown that item 120 comprises a multiplexer, which does not perform a function of negotiating with a receiver, much less negotiating a maximum segment size with a receiver.

Based on the foregoing, Applicants respectfully request that the rejection to claim 4 be withdrawn. In addition, it is believed that claim 5 should likewise be allowable, being dependent on an allowable claim.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 25, 2003   By: _____

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